



TOWN OF SURFSIDE, FLORIDA
Town Commission
Regular Meeting
9293 Harding Avenue
Surfside, FL 33154
October 14, 2008
7:00 p.m.

Mayor Charles W. Burkett
Vice Mayor Marc Imberman
Commissioner Elizabeth Calderon
Commissioner Steve Levine
Commissioner Howard S. Weinberg

Town Manager Gary L. Word
Town Attorney Lynn M. Dannheisser
Town Clerk Beatris M. Arguelles, CMC

MINUTES

On Tuesday, October 14, 2008 at 7:03 p.m., the Town of Surfside Commission met in Regular Session in the Commission Chambers at Town Hall at 9293 Harding Avenue in Surfside.

1 Call to Order/Roll Call - Mayor Burkett called the meeting to order at 7:

2 Pledge of Allegiance

3 Presentations/Acknowledgements:

A. Proclamation - Proclaiming Saturday, November 1, 2008 "**Alzheimer's Association Miami-Dade Memory Walk Day 2008**" The Town Clerk read the proclamation into the record.

B. Good and Welfare (public comments) *for subjects or items not on the agenda. Public comment on Agenda items will be allowed when agenda item is discussed by the Commission.* The following persons addressed the Commission:

Heather Oppenheimer – suggesting the Green Committee be disbanded.

Evelyn Lampner – took exception to statements made in the Town Gazette.

Elizabeth Levine – expressed support of Amendment 8 and urged all to become educated about the Amendment.

Herb Block – along with wife Claire, expressed concern regarding the Community Center and the cost of it.

Barbara McLaughlin – took issue with a statement in the Gazette regarding the Tourist Bureau Budget.

Maryanne Durante – expressed concern over the Community Center and its cost.

Jessie Flax – took issue with the Town cutting a tree and the placement of a street sign pole on her property.

Kathy Imberman – expressed her view on the Commissioners printing their private views in the Gazette.

Dorie Lurie – was concerned with the cost of the Community Center and urged the Commission to obtain grants to fund the project.

e-mail – Mayor Burkett read an e-mail into the record in which the resident thanked the Commission for having the fence sealed between St. Joseph Church and Abbott Avenue.

Randi McBride – expressed concern over each Commissioner writing an Article for the Gazette that took up six pages in the newsletter. She also took exception with Commissioner Weinberg's comments in the Gazette.

Paul Yavis – addressed the "Presiding Officers" ballot issue and expressed opposition to the amendment.

Joeseeph Graubart – questioned whether or not the Community Center would require urser fees in order to operate the facility. Regarding interest in the Center, Mr. Graubard suggested that there may be a very small percentage of people interested in the center.

Loraine Gimenez – concerned about the increase in taxes, water. Sewer and sanitation fees.

Name

Anthnoy Blate

C. Fire Rescue Service Delivery Review – Presentation by Pedro Bas, Division Chief in Operations Miami Dade County Fire Rescue

4 Petitions, requests, announcements and communications:

- a. Civilian of the Month (Chief Allen) Received
- b. Community Center – Architectural update (Spillis Candela) Received
- c. Projects Progress Report (CGA) Received
- d. Committee / Board Reports
 1. Beautification Committee – Report Given
 2. Education Committee – Report Given
 3. Green Committee - Unresolved
 4. Parks & Recreation Committee – NO report
 5. Charter Review Committee – Report Given
 6. Pension Board – No Report
 7. Personnel Appeals Board – No Report
 8. Planning and Zoning Board – No Report

5 Agenda: (approval/deletions/additions/amendments/deferrals)

Item 6A was deferred to the November meeting.

6 Consent Agenda: *(Approval - all items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission so requests, in which event, the item will be moved to the Main Agenda for consideration)*

- A. Approval of the Minutes - Deferred
- B. Lease of Parcel for Police Vehicle Parking - Approved on Consent
- C. Resolution Accepting Vacated Right-of Way Parcel for use in connection with the Community Center Facilities - Approved on Consent

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO ACCEPT A VACATED RIGHT-OF-WAY PARCEL FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR USE IN CONNECTION WITH THE COMMUNITY CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

7 Public Hearings: Ordinances, Quasi Judicial items and Resolutions:

- A. Liens Ordinance (Second Reading) The Town clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE BY CREATING CHAPTER 4 "LIENS FOR TOWN SERVICES" TO PROVIDE FOR PLACEMENT, ENFORCEMENT AND COLLECTION OF LIENS AGAINST PROPERTIES BY THE TOWN OF SURFSIDE FOR DELINQUENT PAYMENT FOR TOWN SERVICES, INCLUDING SOLID WASTE, WATER, SEWER AND STORMWATER UTILITY SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

- B. Utility Fees Rate Adjustments (second reading) (Sherwood) Approved

1. AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-35, "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES TO ESTABLISH NEW RATES FOR SOLID WASTE REMOVAL WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
2. AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 66-36, RECYCLING OF THE CODE OF ORDINANCES TO ESTABLISH NEW RATES FOR SOLID WASTE RECYCLING WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
3. AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING NEW MONTHLY MINIMUM SERVICE CHARGES FOR WATER SUPPLY SERVICE WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

4. **ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 78-56, "MONTHLY SEWER SERVICE CHARGE" OF THE CODE OF ORDINANCES TO ESTABLISH NEW RATES FOR SEWER SERVICE WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

C. Zoning Code text amendment adding "Community Facilities" Approved

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE "TABLE OF USES" IN SECTION 90.41.3 TO CREATE A NEW ZONING DISTRICT ENTITLED "COMMUNITY FACILITIES;" AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES INCLUDING BUT NOT LIMITED TO SECTION 90.43 ENTITLED "MAXIMUM BUILDING HEIGHTS," SECTION 90.45.1 ENTITLED "REQUIRED SETBACKS-TABLES;" SECTION 90.48.1 CONCERNING MODIFICATION OF SIDE AND REAR YARD REGULATIONS, SECTION 90.49 ENTITLED "LOT STANDARDS;" TO PROVIDE FOR REGULATIONS AND PERFORMANCE STANDARDS FOR USES IN THE CF ZONING DISTRICT; PROVIDING FOR ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Zoning Code map amendment Approved

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING ITS OFFICIAL ZONING MAP TO REZONE THE PROPERTY FOR THE TOWN OF SURFSIDE'S PROPOSED COMMUNITY CENTER COMPLEX LOCATED ON 1) PROPERTY LOCATED AT 9301 COLLINS AVENUE, SURFSIDE, FLORIDA, LEGALLY DESCRIBED AS LOT 1, BLOCK 1 OF "SURFSIDE CENTER," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 31, TOGETHER WITH LOT A, LYING AT THE FOOT OF 93RD STREET, FORMERLY KNOWN AS ROSE STREET, FACING ON THE ATLANTIC OCEAN AS SHOWN ON "ALTOS DEL MAR NO. 5," ACCORDING TO THE PLAT THEREOF IN PLAT BOOK 8, PAGE 92, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FROM PUBLIC RECREATIONAL TO COMMUNITY FACILITIES; AND 2) PROPERTY LOCATED AT 9281 COLLINS AVENUE, SURFSIDE, FLORIDA, LEGALLY DESCRIBED AS LOT 11, BLOCK 1 "ALTOS DEL MAR NO. 5," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 92 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FROM MU AND H120 TO CF, SAID PROPERTIES BOTH LYING IN SECTION 35, TOWNSHIP 52 SOUTH, RANGE 42 EAST, TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING A TOTAL NET AREA OF 80,326 SQUARE FEET (1.844 ACRES, MORE OR LESS); PROVIDING FOR ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR INCLUSION IN THE OFFICIAL ZONING MAP AND CODE; AND PROVIDING FOR AN EFFECTIVE DATE

E. Comprehensive Plan Future Land Use Map Amendment Approved

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR THE TOWN OF SURFSIDE'S PROPOSED COMMUNITY CENTER COMPLEX LOCATED ON 1) PROPERTY LOCATED AT 9301 COLLINS AVENUE, SURFSIDE, FLORIDA, LEGALLY DESCRIBED AS LOT 1, BLOCK 1 OF "SURFSIDE CENTER," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 31, TOGETHER WITH LOT A, LYING AT THE FOOT OF 93RD STREET, FORMERLY KNOWN AS ROSE STREET, FACING ON THE ATLANTIC OCEAN AS SHOWN ON "ALTOS DEL MAR NO. 5," ACCORDING TO THE PLAT THEREOF IN PLAT BOOK 8, PAGE 92, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FROM PUBLIC RECREATIONAL TO COMMUNITY FACILITIES; AND 2) PROPERTY LOCATED AT 9281 COLLINS AVENUE, SURFSIDE, FLORIDA, LEGALLY DESCRIBED AS LOT 11, BLOCK 1 "ALTOS DEL MAR NO. 5," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 92 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FROM HIGH DENSITY RESIDENTIAL TO COMMUNITY FACILITIES, SAID PROPERTIES BOTH LYING IN SECTION 35, TOWNSHIP 52 SOUTH, RANGE 42 EAST, TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING A TOTAL NET AREA OF 80,326 SQUARE FEET (1.844 ACRES, MORE OR LESS); PROVIDING FOR ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

F. Application for Extension of Time for Variance 9501 Collins Avenue

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN EXTENSION OF TIME FOR THE ISSUANCE OF A BUILDING PERMIT WITH REGARD TO RESOLUTION 2007-1756 APPROVING AN APPLICATION SUBMITTED BY 9501 COLLINS AVENUE, LLC ("APPLICANT"), PROPERTY OWNER(S) OF THE PROPERTY LOCATED AT 9501 COLLINS AVENUE, LEGALLY DESCRIBED AS LOT 1, BLOCK 2, SUBDIVISION ALTOS DEL MAR NO. 6, FOLIO #14.2235.007.0110, FOR A VARIANCE FROM THE PROVISIONS OF CHAPTER 90, SECTION 155 OF THE TOWN CODE FOR A LOT WIDTH OF 55 FEET, WHICH IS A VARIANCE OF 45 FEET, WHERE A MINIMUM LOT WIDTH OF 100 FEET IS REQUIRED AND A SOUTH SIDE CORNER YARD SETBACK OF 10 FEET, WHICH IS A VARIANCE OF 10 FEET WHERE A MINIMUM SOUTH SIDE CORNER YARD SETBACK OF 20 FEET IS REQUIRED, SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

Motion: to approve (via Resolution) or deny by motion extension of time.

8. Unfinished Business:

A. Restoration of Beach Walking Path and Access Road Approved

Motion: To approve the agreement for services with Atlantic Seawall and Dock Company to restore the Beach Walking Path and Access Road.

B. Parking Pay Stations – Meeting to be set for another date

Motion: To hold a workshop on Tuesday, October 21, 2008 to discuss the multi-space parking pay stations.

C. EAR Work Authorization Approved

Motion: To approve CGA Work Authorization No. 15 for EAR Based Amendments

9. New Business:

A. Purchase of Vehicles Approved

Motion: To approve the purchase of four Chevrolet Impala Vehicles for the Police Department and one Ford Escape Hybrid Sport Utility Vehicle for the Recreation Department to be purchased off of the Florida Sheriffs' Association Bid Contract.

10. Mayor and Commission Communications:

A. Mayor and Commission Communications/Discussion:

1. Marketing Proposal Expenditure (*Burkett*) – *NO action*
2. Use of Parking Lots by construction Vehicles (*Burkett*) *NO action*
3. Ballot Issues (*Calderon*) *NO action*

B. Staff/Attorney Communication: No Action Taken

1. Town Attorney Report – Counterclaim for Declaratory Judgment and Injunctive Relief against Miami Dade County.
2. Town Attorney Report – Motion for Injunctive Relief and Request for Hearing.

11. Adjournment:

Accepted this _____ day of _____, 2008

Attest:

Charles Burkette, Mayor

Beatris M. Arguelles, Town Clerk

- THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

- IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

- AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

- TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY attend AT THIS MEETING.

- THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.